

Remarks

I. Status of the Claims

Claims 1-65 are pending in this application. No claims have been amended herein.

II. Rejection under 35 U.S.C. §103

The Examiner has maintained the rejection of claims 1-65 under § 103(a) as being unpatentable over U.S. Patent No. 5,989,295 to de la Mettrie ("295") in view of U.S. Patent No. 5,976,195 to de la Mettrie ("195") for the reasons set forth on pages 2-3 of the present Office Action. Applicants respectfully traverse this rejection for the reasons of record as well as those discussed below.

One criteria the Examiner must demonstrate in order to establish a prima facie case of obviousness is that the cited references, when combined, teach or suggest all of the claim limitations. See M.P.E.P. § 2143. This criteria has not been satisfied in the present case.

The presently claimed compositions comprise, *inter alia*, at least one additional anionic associative polymer comprising at least one carboxylic acid group and at least one ester derived from an alkoxylated fatty alcohol and a carboxylic acid. The Examiner has previously admitted that '295 does not teach or suggest this polymer. See page 3 of the Office Action dated January 24, 2002. In the present Office Action, the Examiner maintains the § 103 rejection and states that he

disagrees with Applicants' argument that neither reference teaches or suggests this polymer, thus implying that he maintains that '195 teaches this polymer. See page 2 of the present Office Action. Applicants disagree.

As previously discussed, one required component of the presently claimed compositions is at least one additional anionic associative polymer comprising (1) at least one carboxylic acid group and (2) at least one **ester** derived from an alkoxyated fatty alcohol and a carboxylic acid. It is well-known that an ester

generally comprises a functional group having the formula $\text{C}(=\text{O})-\text{O}-\text{C}$.

In contrast, and as admitted by the Examiner in the present Office Action, '195 discloses an anionic amphiphilic polymer containing at least one hydrophilic unit, and at least one allyl **ether** unit containing a fatty chain. **AN ETHER GROUP IS NOT THE SAME AS AN ESTER GROUP.** Rather, also well-known is the fact that an ester group generally comprises a functional group having formula "C-O-C."

Therefore, the anionic amphiphilic polymer containing at least one hydrophilic unit, and at least one allyl **ether** unit containing a fatty chain disclosed in '195 is **not the same and does not teach or suggest** the presently claimed at least one additional anionic associative polymer comprising at least one carboxylic acid group and at least one **ester** derived from an alkoxyated fatty alcohol and a carboxylic acid. As '295 does not recite this polymer either (as admitted by the Examiner), the proposed combination of '295 or '195 cannot teach or suggest all of limitations of the present claims.

Accordingly, for at least this reason, Applicants maintain that this rejection is in error and respectfully request its withdrawal. At the very least, Applicants respectfully request that the Examiner address Applicants' argument and explain this rejection.


III. Conclusion

Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extension of time under 37 C.F.R. § 1.136 required to enter this response and charge those additional fees to our Deposit Account No. 06-916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Reg. No. 41,469
Anthony C. Tridico
Reg. No. 45,958

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com